

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Barth

Application No.: 09/815,836

Filed: 03/22/2001

Group No.: 2161

Examiner: Unassigned

For: Method and Apparatus for Dynamic Information Connection Engine

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MAR 11 2004

GROUP 3600

Commissioner for Patents -- Mail Stop Petition
PO Box 1450, Alexandria, Virginia 22313-1450

DECLARATION OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. § 708.02)

I, Glen E. Ivey, am the Senior Software Engineer of Sidestep, Inc., having a principal place of business at 4701 Patrick Henry Drive CA. Sidestep, Inc. is the sole assignee of U.S. Serial Number 09/815,836 (hereafter the "'836 Application").

I, Glen E. Ivey, am one of the inventors of the '836 Application, and hereby state the following:

1. I have reviewed and understand the nature and scope of the claims in the '836 Application.
2. There is actual infringement of this invention by FareChase, Inc. ("FareChase"), having a corporate office principle place of business at 50 W. 23rd Street, PH Suite, New York, NY 10010. There is an infringing device or product on the market or a method in use developed by FareChase.
3. FareChase's web site details one or more device or product on the market or a method in use that infringe the claims of the '836 Application. The FareChase website discloses the following:

"FareChase's revolutionary server side Web Automation software performs large-scale real-time queries of dynamically priced inventory on over 150 travel Web sites."

"The FareChase application automates multiple, simultaneous large-scale, real-time web-based searches."

"The FareChase technology mines data from web sites the same way a user would, thus ensuring the data presented by the engine is identical to what is presented to users on the original web site. By capturing the data in real time, the technology ensures the content is 100 percent current. This is extremely important for travel related content where one has to carefully validate availability of each flight, hotel room or car."

and

"The FareChase engine simulates a user's manual search on multiple travel websites and presents the aggregated data in a clear and uniform manner (XML or HTML)."

"Once retrieved and presented, fares may be"

See <http://www.farechase.com/website/technology.html>

"The FareChase technology handles the complex business logic of the travel domain by normalizing queries, search parameters, terminology, destination naming etc. from its own uniform language to each mined site's language. Responses are then normalized back from disparate HTML formats to XML, thereby allowing for a uniform presentation and 'apples-to-apples' comparison."

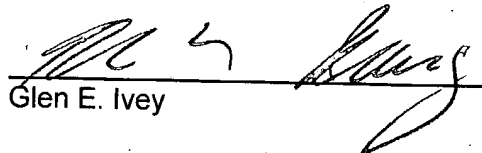
See http://www.farechase.com/website/technology_datanormal.html

4. The website shows that FareChase has introduced products into the commercial marketplace for specific applications covered by claims of the '836 Application. FareChase announced such products in its web site. For example, see FareChase's website at www.farechase.com.

5. I have reviewed the FareChase website and have made a rigid comparison of Farechase's products or method with the claims of the '836 Application, and that, in my opinion, some, if not all of the claims of the '836 Application are unquestionably infringed.

6. I have made a careful and thorough search of the prior art and I have good knowledge of the pertinent prior art. The references have been made of record with the filing of IDSs in the Application.

Date: 2/27/2004


Glen E. Ivey

Practitioner's Docket No.: 39517-0702

PATENT

**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

The undersigned ASSIGNEE of the entire interest in:

- ☐ U.S. Patent No. _____
☒ U.S. application no. 09/815,836, filed on 03/22/2001

hereby appoints the practitioners at Customer Number 25213 as its attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

(complete one of the following)

- ☐ a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
- ☒ the Assignment recorded on 07/12/2001 at reel 012006, frame 0314.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all correspondence and telephone calls to:

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Address	Heller Ehrman White & McAuliffe LLP					
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ASSIGNEE: Sidestep, Inc.

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Name: Brian Barth

Brian Barth, Chief Executive Officer

Date: 2 MAR 2004